

REMARKS

In response to the Patent Office action of March 22, 2006, the Applicant respectfully requests re-examination and re-consideration.

On page 2 of the Patent Office letter the Examiner has rejected Claims 1 (2-7 dependent thereon) and 8 under 35 U.S.C. §112, second paragraph, as being indefinite. Both claims 1 and 8 have now been amended to overcome this rejection. More particularly, the perimeter of the shelf is now defined by a "separated portion" and a "hinged portion". Also, the shelf is recited as pivotal about the hinged portion. With these amendments there is now set forth sufficient means for the shelf pivoting. Accordingly, the rejection under 35 U.S.C. §112 should now be overcome.

The Examiner has rejected claims 1-8 under 35 U.S.C. §103(a) as being unpatentable over Pinkstone in view of either Stuart or Draudt. The Applicant respectfully traverses this rejection.

The Applicant also believes that the Examiner's rejection is incomplete in that it appears that the Examiner has, at the most, only addressed claim language in claims 1 and 8 relating to the "at least one partition". For the rejection to be proper, the Examiner must set forth what is relied upon in rejecting all dependent claims. No such statement appears in the Examiner's position. Accordingly, a final rejection on any basis should be premature.

Pinkstone does not by itself, nor when combined with Stuart or Draudt, teach the Applicant's invention. With respect to claims 1 and 8, there are structural differences which distinguish the Applicant's teachings from Pinkstone.

First, the Applicant's teachings relate only to a vacuum formed display, while Pinkstone relates to a display formed from a flat blank of sheet material. For example, in Figs. 1A and 1B of Pinkstone, there is shown a one-piece blank of sheet material which is cut so as to be manipulated and folded to form the display rack of Fig. 2. In contrast, the Applicant teaches a display which is vacuum formed as a unitary piece. The teachings of Pinkstone do not apply to vacuum formed displays.

Secondly, the Applicant's invention describes a vacuum formed display with a body portion having a top wall, bottom wall, back wall and opposing side walls. Pinkstone does not teach a

device having a top wall or a bottom wall. Pinkstone only forms sidewalls or "panels" and multiple shelves; there is no top or bottom wall.

Finally, the Applicant's invention teaches a display in which the shelf is substantially perpendicular to the back wall of the display. Conversely, the shelves in Pinkstone, as illustrated in Fig. 5, are not substantially perpendicular to the back wall of the display, as they appear to be at more of a 45 degree angle than perpendicular.

Although Pinkstone calls their product a display, the shelf arrangement they use with the substantially tilted shelves makes for a product that is more for the collection of items than for their display. This is due primarily to their slanted shelf arrangement. On the other hand the orthogonal shelf of the present invention provides a more effective display arrangement.

Accordingly, the Applicant believes that claim 1 should be in condition for allowance. Moreover, there are additional limitations found in claims 2-8 that even further patentably distinguish the present invention over the prior art cited by the Examiner. For example, claims 2 and 8 define a pair of support ledges not found in the prior art for supporting the shelf. Claims 3 and 8 define a pair of detents for providing additional support, but not at all indicated in the prior art.

The Applicant has also added new claims 12-20 in order to afford the Applicant a complete scope of claim coverage. Many of the arguments previously set forth regarding claims 1 and 8 also apply to these added claims, particularly added independent claim 14. It is noted that claim 14 includes, inter alia, a shelf that is vacuum formed as a unitary piece; a shelf that is adapted to have both initially formed and usable positions, as well as being defined by separated and hinged portions; a shelf that is separated along the separated portion so that the shelf is pivotal about the hinged portion and furthermore recites a pair of support ledges molded on an inner surface of the opposing sidewalls as unitary members with the sidewalls for shelf support. The prior art cited by the Examiner does not show the combination of new claim 14. All of the added dependent claims, namely claims 12, 13 and 15-20 should be found in condition for allowance as they include all of the limitations of their base claim.

CONCLUSION

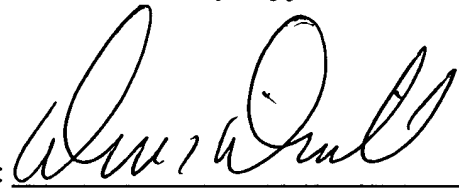
In view of the foregoing amendments and remarks, the Applicants respectfully submit that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicants hereby request a telephone or personal interview to facilitate the resolution of any remaining matters. Applicants' attorney may be contacted by telephone at the number indicated below to schedule such an interview.

The U.S. Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our deposit account #19-0120.

Respectfully submitted,
Elliott J. Brodsky, Applicant

Dated: July 24 2006

By: 
David M. Driscoll, Reg. No. 25,075
Applicant's Attorney
SALTER & MICHAELSON
321 South Main Street
Providence, Rhode Island 02903
Telephone: 401/421-3141
Facsimile : 401/861-1953